

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of: John E. Holland et al.  
Serial No.: 10/075,786  
Filed: February 13, 2002  
Confirmation No.: 9809  
For: **PROTECTIVE COVER**

Examiner: William H. Mayo, III  
Group No.: 2831

Assistant Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

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**APPLICANT'S TERMINAL DISCLAIMER**

Responsive to the Notification of Non-Compliance with 37 CFR 1.192(c) dated October 22, 2003, Applicant herewith submits a Terminal Disclaimer To Obviate a Provisional Double Patenting Rejection Over Pending Application Number 09/860,423, filed on May 18, 2001. Additionally, a check for the terminal disclaimer fee of \$55.00 under 37 CFR 1.20(d) is enclosed. Filed contemporaneously herewith is Applicant's revised Appeal Brief pursuant to 37 CFR 1.192.

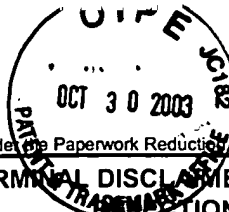
Respectfully submitted,

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Date: October 30, 2003

File No.: 3781-022 (0024.1)

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**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING  
REJECTION OVER A PENDING SECOND APPLICATION**

Docket Number (Optional)

3781-022(24.1)

In re Application of: John E. Holland et al.

Application No.: 10/075,786

Filed: February 13, 2002

For: PROTECTIVE COVER

The owner\*, John E. Holland, et al., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 09/860,423, filed on May 18, 2001, of any patent on the pending second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.

*C. Robert Rhodes* 10-30-03  
\_\_\_\_\_  
Signature Date

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C. Robert Rhodes, Reg. No. 24,200

\_\_\_\_\_  
Typed or printed name

336-574-8040

\_\_\_\_\_  
Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
Form PTO/SB/96 may be used for making this statement. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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